

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2227 OF 2025**

Ganesh Uttam GhodakeApplicant

Vs.

The State of MaharashtraRespondents

WITH

BAIL APPLICATION NO.2203 OF 2025

Ramagoud Chandrayyagoud IdagiApplicant

Vs.

The State of MaharashtraRespondents

Mr. Taraq Sayed with Mr. Devashish Dhanjode & Mr. Ram Shinde, for the Applicants.

Dr. Ashvini A. Takalkar, APP, for the Respondent-State.

Mr. Nitin Atakare, API with Mr. Sharad Dhavare, HC/758, Solapur Rural is present.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 12th FEBRUARY 2026

PC.:-

1. The Applicants Ganesh Uttam Ghodake and Ramagoud Chandrayyagoud Idagi are arrested in Crime Registration No.762 of 2023 registered with Mohol Police Station, Solapur for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('**NDPS act**') alongwith Section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control Of Organised Crime Act, 1999 ('**MCOCA**').

2 The prosecution case is that the Applicant in Bail Application No.2227 of 2025-Ganesh Uttam Ghodake-accused No.2 was found alongwith accused No.1-Dattatraya Laxman Ghodake, who was having the contraband of 3.1 kg. MD Powder. The raid was conducted and accused No.1 was found in custody of said contraband. At that time, the accused No.2, i.e.,Ganesh Ghodake was present there. As he is present alongiwth accused No.1, he was taken in custody

3. The counsel for Applicant has stated that the Applicant is driver. He is giving on hire his car as taxi and he is working as a taxi driver. He took the accused No.1 alongwith him. He was not aware that the accused No.1 was in possession of said contraband. When the police arrested him, he came to know about it. There is no any antecedent against this Applicant. Hence, prayed to release him on bail.

4. The learned APP opposed the application stating that the Applicant was found on the spot at the time of raid. He was driver, but he was in contact with accused No.1, who has committed said offence. As the CDR report shows that there are three phone calls on

that day to this Applicant, the Applicant was in contact with the person, who was having the contraband in his possession and therefore, prayed to reject the application.

5. In case of Applicant in Bail Application No.2203 of 2025-Ramagoud Chandrayyagoud Idagi-accused No.8, there is allegation that the alprazolam was found in his possession. He was manufacturing said contraband.

6. The counsel for Applicant has stated that four accused persons have given the statements under Section 27 of the Code of Criminal Procedure and they have mentioned the name of this Applicant in their statements and thereafter, the accused is taken in custody. The accused has given the statement and shown the place where the alleged contraband was manufactured.

7. The counsel for Applicant has stated that the Chemical Analysis report is nil for said alprazolam and only tadi was found on the said manufacturing place. As there is no any evidence or proof against this Applicant, prayed to release him on bail.

8. The learned APP opposed the application stating that the

Applicant was manufacturing said contraband. In his statement under Section 27 of the Code, he has shown the place where he manufactured it and from where he purchased the machinery. Considering his involvement and as there is one antecedent against him under the NDPS Act and as the offences under NDPS Act and MCOCA is registered against this Applicant, prayed to reject the application.

9. Heard learned counsel appearing for both the parties.

10. In case of Ganesh Uttam Ghodake, though he was found alongwith one Dattatray Ghodake, who was having the MD Powder, from the allegations made against him, it appears that he was not having the contraband in his possession, he was not aware about it. The counsel for Applicant has produced the statement of this Applicant/accused which he has received alongwith the supplementary charge sheet as the MOCOCA Act is registered against him. From the said statement itslef it shows that he was not aware about the possession of said contraband with accused No.1. He was taxi driver and the accused No.1 has hired said taxi and thereafter, he was arrested, as he was in company with accused No.1.

Considering his role, the case is made out against this Applicant to release him on bail on certain conditions.

11. In case of Ramagoud Chandrayyagoud Idagi, it appears that the name of this Applicant is disclosed from the statement of co-accused and thereafter he was arrested. Though serious allegations are made that he manufactured the contraband and he himself has shown the place where he has manufactured said contraband and the machinery was purchased, the C.A. report of the samples which were collected from the spot is nil. Therefore, as the name of this Applicant itself disclosed from the statement of the co-accused, is inadmissible and C.A.Report is not binding, the case is made out to release the Applicant on bail on certain conditions. Hence, the Applications are allowed on the following terms and conditions :

- i) The Applicants, namely, Ganesh Uttam Ghodake and Ramagoud Chandrayyagoud Idagi shall be released on bail on their furnishing personal bond of Rs.25,000/- each with their recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer;

- ii) The Applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- iii) The Applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- iv) The Applicants shall maintain law and order;
- v) The Applicants shall, at the time of execution of the bond, furnish their addresses and mobile numbers to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;
- vi) The Applicants shall regularly remain present during the trial, and cooperate with the learned trial court to complete the trial for the above offences.

(MRS. VRUSHALI V. JOSHI, J.)